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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re IBM 30(b)(6) Subpoena in the matter of

CASE NO. NO. C07-80174 RMW (PVT)
The Hon. Patricia V. Trumbull

INTERNATIONAL BUSINESS MACHINES CORPORATION,

Underlying action pending in the United States District Court for the Southern District of New York, CASE NO. CV 06-13565 SCR

**Plaintiff and Counterclaim
Defendant,**

**ADMINISTRATIVE MOTION PURSUANT
TO CIVIL L.R. 7-11 AND 79-5(c) TO FILE
UNDER SEAL UNREDACTED PAGES OF
NONPARTY HEWLETT-PACKARD
COMPANY'S MOTION TO MODIFY
SUBPOENA AND FOR A PROTECTIVE
ORDER; [PROPOSED] ORDER GRANTING
MOTION; AND DECLARATIONS IN
SUPPORT THEREOF.**

PLATFORM SOLUTIONS, INC.

Defendant and Counterclaimant.

[Declaration of Alexander S. Klein III and
[Proposed] Order filed concurrently herewith]

Date: June 3, 2008
Time: 10:00 a.m.
Place: Courtroom 5

Pursuant to Civil Local Rules 7-11 and 79-5, as set forth in the Declaration of Alexander Klein III (filed concurrently herewith), and in connection with the concurrently-filed *Motion to Modify Subpoena and for a Protective Order*, Nonparty Hewlett-Packard Company (“HP”) moves this Court for administrative relief to maintain filed under seal and/or with redactions the following documents:

1. Portions of Non-Party Hewlett Packard Company’s Motion to Modify Subpoena and for Protective Order and the [Proposed] Order Granting Motion (“Motion”);
2. Portions of the Declaration of Steven Howard in Support of the Motion; and
3. Portions of Exhibits A, D, H, L, M, N, O, and Q attached to the Declaration of Angelique Kaounis in Support of the Motion.

Civil Local Rule 79-5 (c) provides that: “[i]f only a portion of a document is sealable, counsel seeking to file that portion of the document under seal must: (1) File and serve an Administrative Motion to File Under Seal, in conformance with Civil L.R. 7-11, accompanied by a declaration establishing that a portion of the document is sealable. . . .” Accordingly, HP submits this Administrative Motion because it wishes to file documents in support of its Motion that contain, quote and/or refer to HP’s valuable confidential proprietary information that may cause harm to HP’s competitive interests if disclosed (as further explained in the accompanying declaration of Alexander S. Klein, at ¶¶ 4-8).

Motion

The Motion is filed with redactions on page 4, lines 6-8, on page 9, line 11, on page 10, line 2 of the Motion itself, and on page 2, lines 19-20 of the [Proposed] Order thereto, for the reasons set forth in the accompanying declaration. Declaration of Alexander S. Klein III in Support of the Administrative Motion to Seal (“Klein Declaration”), at ¶¶ 4-8.

Stephen Howard Declaration

The Declaration of Stephen Howard is filed with redactions at page 2, lines 4, and 24-26 for the reasons set forth in the accompanying declaration. Klein Declaration at ¶¶ 4-8.

Exhibits to the Declaration of Angelique Kaounis

Exhibits A, D, H, L, M, N, O, and Q to the Declaration of Angelique Kaounis filed in Support of the Motion are filed with partial redactions for the reasons set forth in the accompanying declaration. Klein Declaration at ¶¶ 4-8.

As required by Civil Local Rule 79-5, the following additional papers are also being lodged with the Court: (1) a proposed order to seal portions of the documents; (2) a copy of the documents with the sealable portions highlighted; and (3) a redacted copy of the documents, which are attached to the Klein Declaration filed concurrently herewith. Because Civil Local Rule 79-5(a) prohibits the sealing of documents by agreement of the parties, the parties are unable to enter into a stipulation in support of this administrative motion. *See* Civil L.R. 7-11.

DATED: April 29, 2008

GIBSON, DUNN & CRUTCHER LLP

By: _____ /s/ Angelique Kaounis
ANGELIQUE KAOUNIS